

SONOMA COUNTY CIVIL GRAND JURY

KEEPING AN EYE ON OUR COUNTY



FINAL REPORT 2012-2013





THE SONOMA COUNTY CIVIL GRAND JURY
P.O. Box 5109 · Santa Rosa · California · 95402 · (707) 565-6330
www.sonomagrandjury.org

To the citizens of Sonoma County and the Honorable Judge René Chouteau:

On behalf of the 2012-2013 Sonoma County Civil Grand Jury and in accordance with California Penal Code Section 933, it is my privilege to present our Final Report. Jury members spent thousands of hours investigating citizen complaints during our one-year term.

The Grand Jury is responsible for overseeing the legislative and administrative departments that make up county and city governments and special districts in Sonoma County. We investigate to evaluate their efficiency, honesty, fairness, and dedication to serving the public and individual citizens and make recommendations for positive change.

With the assistance of concerned citizens such as you, the Grand Jury is made aware of issues within the local government that warrant investigation. This Grand Jury also assisted the County with the decision process of selecting a new auditor and participated in overseeing the accuracy and efficiency of the November general election process. As required by the California Penal Code, the Grand Jury inspected the County jail facilities and reported on the conditions.

We envision that our investigations and reports will result in positive changes for the County and its residents. I would like to express my appreciation to the County agencies that support the efforts of the Grand Jury and to acknowledge and thank the citizens and local government employees who gave testimony during our investigations. Their time and energy spent with the Grand Jury helped to ensure thorough and accurate reports.

It has been an honor to serve as Foreperson of this dedicated jury. We are a volunteer group of 19 County residents with varied backgrounds, levels of education, and expertise. This jury sought to increase the technological level of record keeping and improve the training given to incoming juries. In an effort to bridge some communication gaps with our citizens, we had all Grand Jury correspondence translated into Spanish. We have also focused on reducing Grand Jury costs.

Our complete Final Report is available on line at www.sonomagrandjury.org. Report summaries are published by The Press Democrat and available as an insert in a number of local newspapers. A hard copy of the complete Final Report is available for review at County libraries.

I offer my sincerest gratitude to my fellow jurors for their contributions to making it a pleasure to serve on this year's Grand Jury.

Ernie Loveless, Foreperson
2012-2013 Sonoma County Civil Grand Jury

**Superior Court
State of California**

RENÉ AUGUSTE CHOUTEAU
PRESIDING JUDGE
(707) 521-6726
FAX (707) 521-6754

COUNTY OF SONOMA
HALL OF JUSTICE
600 ADMINISTRATION DRIVE
SANTA ROSA, CA 95403



June 26, 2013

Dear Members of the Sonoma County Civil Grand Jury:

As Presiding Judge of the Sonoma County Superior Court, I have reviewed the Grand Jury Final report for the fiscal year 2012-2013. It complies with all requirements of Penal Code section 933. This report reflects the thorough investigations and conscientious findings and recommendations of our Civil Grand Jury, which has fulfilled its duties with hard work and dedication.

The citizens of Sonoma County are indebted to our Civil Grand Jury for their efforts. The members of the Civil Grand Jury have donated extensive time and effort for the benefit of the citizens of Sonoma County. On behalf of the Superior Court of Sonoma County, I applaud and thank our Grand Jury members for all that you have done.

All of you have discharged your duties in an exemplary manner. I especially would like to thank your foreperson, Ernie Loveless, for his leadership and dedication to the work of the Grand Jury.

Once again, congratulations to our Civil Grand Jury. You have worked hard and done your job well. Our county is a better place thanks to the work you have done.

Very truly yours,

A handwritten signature in blue ink that reads "René Auguste Chouteau". The signature is fluid and cursive.

René Auguste Chouteau, Presiding Judge
Superior Court of California,
County of Sonoma

YOU COULD MAKE A DIFFERENCE

County Civil Grand Juries are unique and powerful institutions which offer opportunities for citizens to directly investigate and influence how well county and city governments are serving the citizens of their counties.

Nineteen jurors, and a minimum of five alternates, are needed to complete the yearly commitment. Here in Sonoma County, about 45% of those who initially apply remain as candidates at the time of the final, random selection at the end of June each year. This means that a minimum of 60 candidates is needed yearly. Since the Grand Jury has autonomy, its ability to effectively serve its purpose depends on the interests, capabilities, and skills of the jurors. The Grand Jury is an institution that can benefit from diverse voices and points of view. The Grand Jury needs candidates who reflect the diversity in age, ethnicity, gender, and education found here in Sonoma County. The yearlong commitment (July – June), and the amount of time required on a weekly basis, means that potential candidates must give a great deal of thought to the decision about whether or not to serve on the Grand Jury. We encourage those who are willing to consider this opportunity for Grand Jury service to find out more and apply.

We invite you to apply for Grand Jury service

sonoma.courts.ca.gov

HOW TO BECOME A GRAND JUROR

Application forms to become a Sonoma County Civil Grand Juror are available online at sonoma.courts.ca.gov (click on the Grand Jury tab at the top of the page). You may also obtain an application at the Administrative Office of the Sonoma County Courts, 600 Administration Drive, Room 106, Santa Rosa, CA 95403, phone 707-521-6501. By law, a Grand Juror must be a U.S. citizen 18 years of age or older; a resident of Sonoma County for at least one year; have sufficient knowledge of the English language to participate in meetings, take notes, and write reports; and have no convictions for malfeasance in office, any felony, or any other high crime. In addition to meeting the statutory requirements, a Grand Juror should be able to fulfill the time commitment required to be an effective Grand Juror, be in good health, have the ability to work with others and be tolerant of their views, have a genuine interest in community affairs, and have investigative and computer skills. Applications can be submitted throughout the year. Each spring, Judges of the Superior Court interview prospective Grand Jurors from the applicant pool. Several members of the previous year's Grand Jury may be selected to serve a second year in order to provide continuity.

HOW TO SUBMIT A COMPLAINT TO THE GRAND JURY

Complaint forms can be found at sonoma.courts.ca.gov (click on the Grand Jury tab at the top of the page) or by calling the Grand Jury at 707-565-6330. You can mail completed forms to P.O. Box 5109, Santa Rosa, CA 95402, or fax them to 707-565-6328. Only the Grand Jury has access to the postal box and fax to ensure confidentiality.

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PROTECTING THE COUNTY'S AT-RISK CHILDREN

SUMMARY

The Family, Youth & Children's Services Division of the Human Services Department (FYC) provides benefits and daily support to hundreds of abused and neglected children under the age of 18 in Sonoma County. These children come from homes where substance abuse or other adverse conditions exist.

Removing children from their home environment is a very traumatic event for all involved, and care must be taken to ensure a smooth transition. The FYC assists children who have been removed from their homes. Children may be placed at Valley of the Moon Children's Home (VOM), with an extended family member, or with a foster family for their protection and care.

Child Protective Services (CPS) is under the management of the FYC. The FYC is responsible for investigating suspected child abuse and assisting children and families enrolled in either voluntary or court-ordered programs. Protective and supportive social services for both parents and children are available through CPS.

A network of dedicated people exists who are committed to the safety and well-being of children. While there is some room for improvement, children in unfortunate situations are well cared for by CPS. The entire "village" of Sonoma County is involved to support those children most in need.

BACKGROUND

Children's safety in the child welfare system is of critical importance. In particular, those with special medical needs, allergies, and known illnesses are of concern. The Grand Jury investigated how children enter the child welfare system and the process by which social workers monitor home environments.

APPROACH

The Grand Jury spoke to staff from the Family, Youth & Children's Services Division including those from Child Protective Services and Valley of the Moon Children's Home. Additionally, the Grand Jury toured the Valley of the Moon Children's Home facility and reviewed documents provided by the County and independent sources.



DISCUSSION

Family Youth & Children's Services (FYC)

The FYC strives to reunite families. This occurs in 45%-50% of cases. In order to facilitate these efforts, the County has programs to educate parents on how to handle the demands of parenthood and to learn life skills. Some children are placed with extended family members or adopted. The social workers work directly with families to improve their home situation, which could allow their child to return home.

The FYC takes a team approach to provide services tailored to each child's needs. Each team has expertise in immediate response, court services, family maintenance, family reunification, and placement planning.

With the welfare of a child on the line, social workers face challenges with tremendous responsibilities. They deal with bilingual issues, varying family sizes, and geographic logistics. There are occasions when they must obtain court orders requesting law enforcement assistance with the removal of a child in the middle of the night. Team members have large case workloads and at the same time can be responsible for training interns, extra help, and rotational staff. Social workers often invest additional work hours to complete their caseload requirements in accordance with mandated deadlines. In spite of these demands, there is a low staff turnover rate.

Specific classifications of social workers are assigned as Immediate Response (IR) workers on a 24/7 two-month rotation schedule. They are the first responders to a suspected child abuse or endangerment report and must take action within 24 hours. The FYC does not have enough laptops to provide one to each field social worker. Currently, only the IR workers are assigned laptops. Supervisors can assign a laptop to non-IR staff; however, the laptop must be returned at the end of each day. In addition, access to the confidential computer network is restricted and requires an encrypted code. The County has purchased a limited number of encrypted codes, which are handed out judiciously. Staff without access to a laptop and a code must write field reports manually and later enter the information into their desktop computers at the office.

The FYC is notified of suspected child abuse or endangerment in a variety of ways: 1) Phone calls received during normal business hours are answered by an intake worker who uses a decision making program to assess the risk. Depending on the urgency, a response is required within 24 hours or within 10 days. 2) A mandated child abuse reporter such as a physician, teacher, or counselor completes a Suspected Child Abuse Report. Reports are entered into the computer system and action is taken within 10 days. 3) Reports of a non-immediate nature, received via mail or fax, are reviewed and assigned on a less urgent basis, but within 10 days. These include police incident reports that are crosschecked against any prior history of incidents such as prior abuse reports or DUI arrests with children in the vehicle. Reports are prioritized and distributed to in-boxes located in the intake area. The FYC acknowledged that the reports received in the in-boxes are not always processed promptly.

Daily rotating supervisors assign incoming cases. They may not be aware of the unique details of a worker's current caseload, such as trial preparation time, bilingual requirements, or family sizes. This can lead to unequal case assignments. The department is developing and testing a computer program that

considers caseload factors. Supervisors can then assign cases to the appropriate social worker based on consistent parameters.

Valley of the Moon Children's Home (VOM)

Children enter VOM through the legal system. This facility provides temporary care for children ages six to eighteen who are victims of abuse, abandonment, neglect, or whose parents or guardians are unable to care for them. Typically, children do not remain at VOM for more than 30 days. They are reunited with their family, placed with extended family, or placed with foster homes.

The facility accommodates up to 63 children. Historically, the population has been as high as 58, although during the investigation period the number of children fluctuated between 16 and 28. Staff attributed these low numbers to the success of the various support programs available thru FYC.

Each staff member is certified in first aid and CPR every two years. The ratio of children to staff is typically 3 or 4:1 with a maximum of 10:1.

Each child is evaluated by a doctor or nurse as soon as practical after intake. Medical conditions such as diabetes, asthma, or allergies are noted in each child's record. Medications are stored in a secure room and dispensed by trained personnel. In the case of dietary needs or food allergies, photos of affected children and their sensitivities are posted on a designated kitchen wall to alert staff. A doctor or nurse is available on site or on call 24 hours a day.

Staff guide each child at VOM in developing social and life skills and positive behaviors they may not have learned at home. VOM uses the Motivational System, a component of a widely-accepted program created by Boys Town in Nebraska. Initially, a child is assessed for three days. During this time, information is gathered to determine behavioral and developmental levels. A child may progress in the program from Level I through Level III. Points are tallied for positive and negative behavior. Points can be exchanged for access to additional outdoor recreation activities, television, videos, handheld games, telephone usage, and snacks, among other things. At the end of every day, a VOM social worker sits with each child and talks through the events of the day. Challenges faced during the day are discussed and social workers praise success and give encouragement.

A common concern of staff is the rigidity and inflexibility of the program for early school-aged children. As designed, the program makes Level I through Level III assignments based on chronological age. In practice, there are no provisions for the child's developmental age.

Volunteer groups perform supportive functions that enhance the lives of the children. Some care for the babies while foster parents attend scheduled training at VOM and others read to the children. Civic groups, businesses, and residents of the County donate clothing, supplies, and services to VOM. One example is the ongoing effort to collect luggage for children exiting the facility with their belongings in a suitcase rather than a paper sack. Each child passing through VOM is treated as an individual.

Foster Homes

The County has approximately 100 state-licensed foster homes. There are several categories of foster care: 1) Emergency Foster Homes most commonly provide homes for babies and toddlers, but care for

children up to age 12 when immediate needs arise. 2) Concurrent and traditional foster homes provide longer-term care, and the potential to adopt. 3) The Respite Care Homes offer up to 72 hours short-term relief for foster parents.

All foster families receive a medical history and a behavioral profile for each child in their care. Daily records of the child's behavior are maintained by the Emergency Foster Home parent. The FYC social worker receives these records weekly. The concurrent and traditional foster homes document the same information for the social worker on a monthly basis.

There is a shortage of culturally diverse homes and homes that accept older children. Efforts never cease to recruit new homes. Some recruitment efforts include distribution of fliers and informational brochures as well as speaking to community groups.

Foster parents are certified in both first aid and CPR. Continuing education exceeds the state-mandated requirement of eight hours per year and the County requirement of twelve hours per year. Foster families are asked to care for a child as long as necessary. The ultimate goal is to return children to their biological parents. Many foster families establish long-lasting ties to their foster children that go well beyond their adolescence and into adulthood. Interviewees consistently stated that the foster families are exceptional people. They are well respected within the FYC for their tireless contributions.

FINDINGS

- F1. Social workers manage a large workload and face challenges getting their work done.
- F2. The lack of a full-time trainer on staff increases the workload for social workers.
- F3. The number of laptops available to the employees is insufficient.
- F4. Requiring employees to check laptops in and out on a daily basis is inefficient.
- F5. Limited availability of remote computer access results in duplication of work.
- F6. Reports of a non-immediate nature, such as mail and faxes sent to Family, Youth & Children's Services, are not well tracked and may not be handled in a timely manner.
- F7. The number of cases that each social worker manages may not be a true indicator of actual workload.
- F8. The Boys Town Motivational System Program used at Valley of the Moon Children's Home is inflexible.
- F9. There are never enough foster homes in the County.

RECOMMENDATIONS

The Grand Jury recommends that the Family, Youth & Children's Services:

- R1. Create a position for a full-time case assignment supervisor who would also provide all training.
- R2. Finalize and implement the computer program currently in development that will assign cases based on known factors such as current workload, trial preparation time, bilingual requirements, and family sizes.
- R3. Assign each field social worker a laptop.
- R4. Equip field social workers with 24 hour a day remote access to the FYC computer system.
- R5. Revise the current system for managing all mail and fax communications received at FYC to enable tracking and efficient processing.
- R6. Modify the Boys Town Motivational System Program to accommodate the additional consideration of a child's developmental and emotional age.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

- R1, R2, R3, R4, R5, R6 - Division Director, Family, Youth & Children's Services Division of the Human Services Department

DISCLAIMER

This report was issued by the Grand Jury with the exception of one member of the jury who recused him/herself. This juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and acceptance of the report.

BIBLIOGRAPHY

- Family, Youth & Children's Services organization chart
- Valley of the Moon Children's Home organization chart
- Valley of the Moon Children's Home admit checklist and procedures
- Juvenile Court Process Documents
- Foster Parent Guidebook

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

FLUORIDATION: WHERE DO YOU STAND?

SUMMARY

The Grand Jury received a citizen complaint concerning a proposal under discussion by the Sonoma County Board of Supervisors (BOS) to fluoridate public water through dispersal by the Sonoma County Water Agency (SCWA).

The Grand Jury recognizes this topic is highly controversial. Research on both sides of the issue is voluminous. The Grand Jury takes no position on this issue but recognizes there are many matters of concern. Are residents in favor of fluoridation for all citizens on the public water system or are they in favor of targeting young school-age children who are deemed those most in need of fluoride treatments? Can other methods deliver the same dental health benefits? Are there negative health impacts associated with fluoridation? What are the environmental impacts to agriculture and groundwater run-off?

What are the costs: start up, infrastructure, maintenance, testing? What is the source of funds? Could water rates be affected? Could other County services be affected? Who provides the fluoride?

It is the responsibility of our County citizens to do their own research and let their opinions be known to elected officials before the scheduled BOS decision in early 2014. Members of an educated and concerned community can develop their own views and conclusions on fluoridation. Where do you stand?

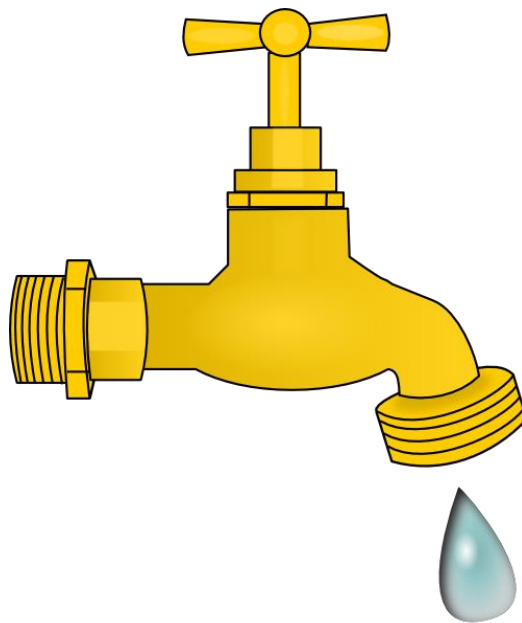
BACKGROUND

The issue of fluoride in drinking water has been debated for decades. Some believe fluoridation of community water is the appropriate way to address dental decay. Others believe topical treatments, reducing sugar intake, and better eating habits would be more effective.

Fluoridation is supported by the Centers for Disease Control, the World Health Organization, the Food & Drug Administration, and the American Dental Association. Fluoridation is opposed by the Sonoma County Water Coalition, Citizens for Safe Drinking Water, and the Fluoride Action Network. Fluoridation is currently banned in portions of Continental Europe. The Sierra Club believes that communities should have the option to accept or reject mandatory fluoridation of their water supplies.

APPROACH

The Grand Jury spoke to County officials and several professionals who are familiar with the topic of fluoridation. We attended community and BOS meetings where fluoridation was discussed. We also conducted background research on fluoridation concerns.



DISCUSSION

State Assembly Bill 733 mandates public water systems to fluoridate their water when at least 10,000 service connections exist and if funds are available. Only the cities of Santa Rosa and Petaluma are over the 10,000 connection benchmark. However, all communities served by the SCWA would be impacted by fluoridation. The Sonoma County Public Health Department is responsible for finding the necessary funds outside of the County's general funds to move forward with fluoridation. Possible funding sources include Federal block grants, private foundation donations, First 5 California, and existing tobacco tax funds. The BOS is responsible to make sure the public is informed of the source of the funds.

A public vote is not required for the implementation of fluoridation. If approved by the BOS, SCWA would be directed to implement fluoridation. As a result, an estimated 350,000 residents receiving water from SCWA in Windsor, Santa Rosa, Rohnert Park, Cotati, Petaluma, Sonoma, Forestville, the Valley of the Moon district, as well as approximately 50,000 northern Marin County residents, would be affected. There is not an opt-out choice for those receiving public water. Households on well water are not affected.

Fluoride compounds such as calcium fluoride occur naturally; fluoride compounds used in water fluoridation, such as sodium fluoride, do not. It is possible to remove fluoride from drinking water, but not every type of water filter will do so.

The Grand Jury recognizes that fluoridation is a contentious topic. To fluoridate or not: do the research, form your opinion, and let your elected County officials know where you stand.

FINDINGS

- F1. Opposing opinions exist on the topic of fluoridation.
- F2. If you receive a water bill from the city, there is a likelihood that you could be affected by fluoridation.
- F3. Fluoridation will affect a significant portion of the County residents if the Board of Supervisors approves it.
- F4. How fluoridation would be funded has not been disclosed to the public.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The Board of Supervisors advise and inform all residents by multiple methods, e.g., utility bill inserts, bilingual notices through printed or social media, and radio, of its meetings, hearings, discussions, presentations, and votes relating to fluoridation.
- R2. With respect to fluoridation, the Board of Supervisors make impartial decisions based on the best evidence available, allowing for both pro and con views to be heard.

- R3. The Board of Supervisors communicate to the public how fluoridation would be funded prior to a final vote.
- R4. The Public Health Department advise and inform residents by multiple methods, e.g., utility bill inserts, bilingual notices through printed or social media, and radio, of meetings, hearings, discussions, and presentations relating to fluoridation.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

- R1, R2, R3 - Sonoma County Board of Supervisors
- R4 - Sonoma County Director of Health Services

The governing body indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

BIBLIOGRAPHY

- AB 733 Speier. Drinking water: fluoridation - www.leginfo.ca.gov
- Weston A. Price Foundation - www.westonaprice.org
- 50 Reason To Oppose Fluoridation - www.fluoridealert.org
- The Politics of Water Fluoridation - John R. Lee, M.D.
- 2010 Federal census
- Sonoma County Health Services - www.sonoma-county.org
- The Press Democrat
- Sonoma County Fluoridation Assessment Draft Report - February 26, 2013

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TRAUMATIC INCIDENTS: HELPING THE HELPERS

SUMMARY

Life is full of the unexpected, both good and bad. When an emergency happens, it is likely that the call for help will be answered by first responders, in many cases law enforcement officers. They will carry out their primary responsibilities of ensuring the safety of the public, maintaining order, and implementing investigative protocols. However, just as victims and witnesses of a traumatic event can feel emotional as well as physical effects, peace officers responding to traumatic situations may also experience emotional impacts.

The Grand Jury investigated what support is available to Sonoma County's law enforcement officers who deal with trauma, or "critical incidents," defined as those involving severe injury or death, sexual assault, or domestic violence. We found that across jurisdictions, training and support services are readily available to personnel dealing with incident-related stress. We also explored how officers interact with victims, families, and witnesses to help them with their support needs.

Law enforcement officers receive training on the emotional effects of trauma during academy instruction and field officer training. After a critical incident, the involved peace officers are supported by their departments through critical incident stress debriefings and peer support programs. Employee Assistance Program benefits are also available to provide confidential professional help. For the public who may be impacted by critical incidents, law enforcement officers can secure immediate response services and provide information regarding support available through community and nonprofit organizations.

When law enforcement responds to an emergency, it is reassuring to know that they are well prepared to be of assistance to both victims and bystanders. It is also important to know that law enforcement officers receive positive assistance when they are impacted by what they have seen, experienced, or investigated. Victims, bystanders, and first responders all need help coping with trauma. Making sure the needed resources are available is a net gain for everyone.

BACKGROUND

The Grand Jury received a complaint from a citizen detailing expectations of how law enforcement should react and behave when responding to a serious automobile accident. Investigating a separate complaint, the Grand Jury interviewed a police officer who commented on the emotional effects he experienced as the first responder at the scene of a young child's death. Recognizing that responding to traumatic events can have an emotional impact, the Grand Jury researched what resources are available to support peace officers who deal with critical incidents. We also looked at how officers interact with the public in these incidents, particularly in providing support services information.

APPROACH

The Grand Jury interviewed law enforcement and administrative personnel in the Rohnert Park Public Safety Department, Santa Rosa Police Department, Petaluma Police Department, and Sonoma County Sheriff's Office, administrative personnel from Santa Rosa Junior College Police Academy (Academy),

and representatives from West Coast Post Trauma Retreat, Law Enforcement Chaplaincy Services (Chaplaincy), Sonoma County Mental Health Department, Family Justice Center (FJC), YWCA, and Verity. We also reviewed documents from these entities and toured the Academy and FJC facilities.

DISCUSSION

Training and Support for First Responders

Training of all peace officers in California is administered by the State Commission on Peace Officer Standards and Training (POST). Mandatory training includes information on how to handle critical incidents. Through their initial training, law enforcement officers receive a basic overview of the effects these incidents have on first responders. They also learn how to interact with victims and members of the public.

Field officer training assists new peace officers in applying what they have learned in the academic environment to real-life situations. For example, an officer in training may be taken to the scene of a critical incident to observe how the officers in charge are handling the situation and to experience some of the effects from an observer's standpoint. The experience can help prepare the officer to cope as a first responder in these situations.

The mental health of law enforcement personnel is a priority in the law enforcement jurisdictions we interviewed. The emotional impacts of trauma can directly influence an officer's productivity, safety, and the safety of others. When a peace officer responds to a critical incident, department support protocols are initiated. Although some jurisdictional differences exist, the protocols are similar across all departments we investigated. Some events prompt a critical incident stress debriefing. Personnel involved in the critical incident, including dispatchers and support staff as well as first responders, meet to discuss the incident. The primary objective of this meeting is to allow these participants to discuss the details of the incident, to review the protocols employed, and to explore any emotional impact. Law enforcement administrators recognize that fellow officers are in the best position to understand the effects of dealing with critical incidents. Trained officers at all levels are available as members of a peer support team, to help officers who are experiencing the effects of trauma.

Employee Assistance Program benefits provide additional support to law enforcement. Management encourages officers to use the available support services when they have been involved in a critical incident. When additional assistance is required, management secures it to ensure that Employee Assistance Program benefits will continue to provide whatever resources officers may need. For example, the West Coast Post-Trauma Retreat, located in the North Bay, provides an advanced level of support for first responders who continue to experience the emotional impact of critical incidents even after using other resources. Interviewees spoke very highly of the benefits of this program.

Interactions with the Public

Providing information to victims about resources available to assist them in dealing with a traumatic situation is crucial. The Grand Jury interviewed some of the agencies that work with Sonoma County law enforcement in providing resources and support to people who have experienced traumatic

incidents. These included Chaplaincy, Sonoma County Department of Mental Health, FJC, YWCA, and Verity.

Law enforcement officers responding to a death can ask family members or others at the scene if they would like the support of their own spiritual advisor or a non-denominational chaplain. If Chaplaincy services are requested, a chaplain reports to the scene and assists law enforcement by engaging with the family members and witnesses. Peace officers can then continue their primary duties of securing the scene, maintaining public safety, and beginning their investigation.

The Department of Mental Health has developed a POST-certified course called Crisis Intervention Training. The course prepares law enforcement officers to better respond to critical incidents that involve mental health considerations. Officers learn how to address the special needs of victims, families, and witnesses in these situations. Over the past five years, more than 300 Sonoma County law enforcement personnel have gone through the training. The Department of Mental Health has also introduced a mobile support team to assist in law enforcement calls. Staffed by substance abuse and mental health professionals, the mobile support team provides on-call services for peace officers responding to mental health emergencies not involving weapons.

For victims of domestic violence or sexual abuse, the FJC provides comprehensive support services at a single location. Peace officers in all Sonoma County jurisdictions are encouraged to provide information about FJC services. The YWCA and Verity have representatives on site at the FJC, as do the Sheriff's Office and the Santa Rosa Police Department.

FINDINGS

With respect to the law enforcement jurisdictions we interviewed, the Grand Jury finds:

- F1. Law enforcement management recognizes the effects of critical incidents on first responders and provides resources to address those effects.
- F2. Peace officers receive appropriate training for coping with critical incidents in the form of POST instruction and field officer training.
- F3. Critical incident stress debriefings and peer support teams provide valuable in-house support for law enforcement personnel.
- F4. Employee Assistance Program benefits enable law enforcement officers to receive additional support as needed.
- F5. Law enforcement officers use the resources of Chaplaincy and the Department of Mental Health mobile support team as needed to address the requirements of victims, families, and witnesses.
- F6. Peace officers who have taken the Crisis Intervention Training course are better prepared to communicate with victims, families, and witnesses in critical incidents involving mental health issues.

RECOMMENDATIONS

None.

BIBLIOGRAPHY

- POST-approved Academy training modules and evaluation standards for relevant training domains
- Relevant portions of policy manuals and procedures, including those on critical incident stress debriefings, peer support programs, and Employee Assistance Programs, for the law enforcement jurisdictions interviewed
- Summary of Sonoma County Mental Health Services
- Family Justice Center Victim Advocacy Services Overview and statistics on client services
- Summary of services for YWCA Sonoma County - www.ywca.org
- Training materials for Verity - www.ourverity.org

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PERMIT AND RESOURCE MANAGEMENT DEPARTMENT: IS CHANGE PERMITTED?

SUMMARY

In 1995, the Permit and Resource Management Department (PRMD) was established to provide a “one-stop shop” for Sonoma County land use planning, permitting, code enforcement, and development activities in all unincorporated areas of the County. It is responsible for interpreting and enforcing Federal, State, and County regulations as well as maintaining and updating the County’s General Plan as it relates to land use. Regulations can be complex and require interpretation by highly skilled personnel. In the last five years, due to attrition and budget cuts, the department has experienced a 40% reduction in staff, resulting in a critical loss of expertise. The decrease in experienced personnel and the resulting increase in workload have negatively affected the morale of the current staff.



The Grand Jury received a complaint from a citizen contending inefficient service and excessive fees at PRMD. The Sonoma County Board of Supervisors (BOS) and PRMD management are aware that there are issues with customer service. In 2012, the BOS created an Ombudsman position within PRMD to provide clients with a single point of contact to assist in resolving problems involving permits, land use, and development issues. In January 2013, PRMD launched the Citizen’s Academy with workshops held on the first Friday of each month. The first session explains how to navigate the permitting process in a one-hour workshop for the owner/builder. The second session caters to regular clients who are familiar with the permitting process, but would benefit from the latest regulatory information. During the second session, a new topic is offered each month. The training schedule is available on the PRMD website.

Other improvements have been initiated to address PRMD customer service issues, but more needs to be done to create a user-friendly atmosphere at PRMD. The Grand Jury attempted to compare County permit fees with those charged by other counties. Since applicable fees can vary greatly based on a number of variables we were unable to evaluate if the County fees are excessive.

BACKGROUND

The Grand Jury investigated a complaint from a citizen questioning if PRMD uses its resources to best serve the needs of County residents and the construction industry. The complaint included claims of inefficient services and excessive fees.

APPROACH

The Grand Jury interviewed members of organizations, businesses, and individuals who frequently interact with the department and members of the BOS and PRMD staff. We reviewed various websites, PRMD Director's Advisory Group (DAG) meeting minutes, BOS agendas and meeting minutes, documents provided by PRMD, and miscellaneous publications. We attended the January 2013 Open House and Citizen Academy information sessions hosted by PRMD.

DISCUSSION

If you have ever built or remodeled a home, made repairs or improvements to your property, or worked in the construction industry in the unincorporated areas of the County, you have been subject to the authority of PRMD. It is the agency responsible for interpreting and enforcing the regulations governing development in the unincorporated areas of the County. It processes, evaluates, and approves permit applications to ensure projects meet County, State, and Federal regulations. PRMD's stated mission is to provide a customer-focused process for the orderly development of real property, balanced with the protection of natural resources. It maintains standards that protect the health and safety of the public. It was established to consolidate multiple departments and provide a "one-stop shop" for County land use planning, permitting, code enforcement, and development activities.

The experiences related to the Grand Jury by interviewees indicate that the permitting process is slow and hard to navigate and that total fees are difficult to predict. They stated that some of the staff are unresponsive and interpretations of regulations can vary from one staff member to another. Some interviewees believe that the fees are excessive but would be less objectionable if staff were more helpful. The interviews reflect a perception that the overall culture of PRMD is not consistent with its mission to provide customer-focused service. PRMD is a regulatory enforcement agency that is required to scrutinize a wide range of rural considerations, farming and resource protections, as well as zoning issues. Improved customer service, consistent interpretations, and staff efficiency are needed to aid the client in navigating the maze of regulations.

In an attempt to evaluate the assertion that fees are excessive, the Grand Jury tried to compare County fees with those charged by other counties. Comparing building and planning fees among counties is difficult since the cost of finalizing a permit can vary greatly due to local zoning, differing physical topography, and neighbor concerns.

The PRMD Director formed the Director's Advisory Group in 2004 to advise the PRMD Director on permit processing and customer service issues. According to its charter, DAG should provide input on areas where improvement in services and processes are needed and work with the Director and others to develop solutions to these issues. DAG members are tasked with providing feedback on proposals developed by PRMD staff to address issues identified by DAG. Members are volunteers selected by the Director with the intent to represent a broad cross-section of the customers served by PRMD. They serve in an advisory capacity and have the potential to effect positive change.

In the last five years due to attrition and budget cuts, PRMD has experienced a 40% reduction in staff resulting in a critical loss of expertise resulting in an increase in workload. These changes have negatively affected morale.

The BOS has recognized the need for improvement with respect to customer service, and is working with PRMD to address the areas of concern. In the last year, the BOS created an Ombudsman position within PRMD that provides the client with a single point of contact to assist in resolving problems involving permits, land use, and development issues. PRMD has also developed a Professional Priority time slot program to expedite the permitting process for building professionals. PRMD is working to increase the percentage of permits that are obtained on a same-day or on-line basis. Residential owner/builders can apply for a simple on-line permit for such things as a new water heater, reroofing, and window replacement. The process goes more smoothly and permits can be obtained more expeditiously based on the level of preparedness and completeness of required documents by the client.

In January 2013, PRMD launched the Citizen's Academy with sessions held on the first Friday of each month. "Navigating the Permitting Process," a one-hour workshop for the owner/builder, is offered monthly at 11:00 a.m. in the PRMD Hearing Room. The goal of the workshop is to present information to help citizens more effectively navigate the permitting process. Participants receive a certificate that entitles them to one Professional Priority time slot appointment to discuss their project with staff. The noontime one-hour monthly workshop caters to regular clients who are familiar with the permitting process, but would benefit from the latest regulatory information. A new topic is offered each month. The training schedule is available on the PRMD website. The sessions allow attendees to ask questions, get clarification, and bring forth issues they have encountered.

The PRMD Director has announced his retirement effective September 2013. This presents an opportunity to continue moving PRMD towards a more customer-service oriented philosophy.

PRMD is a regulatory agency and its directives are frequently unpopular with clients, resulting in negative perceptions of the department. Mutual respect and efficiency along with improved customer service can contribute in making the experience more productive for all involved.

FINDINGS

- F1. Government regulations make the planning process for land development complicated.
- F2. Many clients have a negative perception of PRMD.
- F3. PRMD staff interpretations of regulations are not consistent.
- F4. PRMD staff do not always follow appropriate customer service protocols.
- F5. The newly developed Ombudsman position has the potential to aid clients in navigating the planning and permitting process in a positive way.
- F6. Ongoing improvements have been made in expediting the processing of professional and simple permit approvals.
- F7. The recently formed Citizen's Academy has the potential to help clients successfully navigate the complicated maze of permitting.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The PRMD Director develop, implement, and ensure adherence to written training to consistently interpret and apply regulations by staff.
- R2. The PRMD Director formalize and implement a required ongoing customer service training program.
- R3. The Board of Supervisors and the PRMD Director support and advertise the Ombudsman role in assisting clients.
- R4. The Board of Supervisors take the opportunity to hire a Director committed to making the culture of PRMD consistent with its mission to provide customer-focused services.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

- R1, R2, R3 - Director of Permit and Resource Management Department
- R3, R4 - Sonoma County Board of Supervisors

The governing body indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

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WEATHERING A DISASTER

SUMMARY

The Grand Jury investigated a complaint that questioned if the roads and bridges in Sonoma County are adequate to meet the emergency needs of rural residents in the event of a disaster. The investigation included the disaster preparedness of the County and its outreach to the public.

The natural disasters that threaten our County can include floods, landslides, wild fires, and major earthquakes. Following a disaster, communities and individuals could be without water, power, sewer, communications services, and access to medical aid, food, and supplies for a week or more. Damaged bridges and roads could render evacuation and supply routes impassable.

The Sonoma County Fire and Emergency Services Department (Emergency Services) developed the Emergency Operations Center (EOC), located in Santa Rosa. The EOC serves as the County emergency command post to coordinate disaster response operations. With respect to public disaster preparedness, Emergency Services relies heavily on websites and the Internet to inform the public. A more comprehensive outreach program may be needed to help County residents prepare for a disaster.

“Be prepared,” the motto, is as true today as it was a century ago. The occurrence of any widespread disaster can cause extensive damage to the County infrastructure resulting in injuries, loss of life, and property damage. For example, the County floods of 2005-2006, that were declared a national disaster, closed over 100 roadways, caused an extended loss of power for almost 50,000 residents, and flooded over 2,000 properties.

Individual, family, and community emergency preparedness plans are the best protection. Maintaining a stored supply of water, food, medical supplies, basic survival equipment, and awareness of evacuation routes will provide a critical safety net until help can arrive. Families, neighbors, and communities are often the real first responders during a disaster and must rely on each other to weather through it.

BACKGROUND

The Grand Jury received a complaint from a citizen who was concerned that severe damage to rural roads and bridges in the event of a disaster could affect the County’s ability to provide emergency response services and supplies to isolated residents. The County is subject to potential natural disasters that pose possible hazards to the residents, particularly in rural areas.



APPROACH

The Grand Jury interviewed officials of the Sonoma County Public Works Department (Public Works), Emergency Services, EOC, several rural fire agencies, and the Sonoma County Human Services Department. We visited many County facilities, reviewed documents provided by the County and independent sources, and researched various media resources.

DISCUSSION

Bridges and Roads

The County Road System includes all County-owned bridges and roads. Bridges and roads are vital to provide safe passage and emergency services. Some of our bridges and roads may not withstand the impact of a disaster.

Many of the 330 County bridges are in need of repair, upgrade, or replacement, and all require ongoing maintenance, which is a significant undertaking. Caltrans, on a two-year cycle, inspects and assigns a structural rating to California bridges. The Caltrans structural rating and the ongoing local inspections are the basis for the County bridge repair, replacement, rehabilitation, seismic retrofit, and maintenance programs. Funding for County bridges is complex, and comes primarily from the Federal bridge programs administered by Caltrans. These programs require the County to match funds. At one time, the State provided the required matching funds. Due to budget cuts, the State has suspended some funding, which has affected local bridge projects.

Many rural roads have fallen into disrepair after years of neglect and underfunding, and some have deteriorated to a crisis condition. Impassable roads can hamper emergency response, evacuation, medical care, and fire response efforts. The citizens' group, Save Our Sonoma Roads, focused public attention on the serious disrepair of County roads by hosting public forums, attending meetings of the Sonoma County Board of Supervisors (BOS), participating in the Ad Hoc Roads Committee, and contacting the media. Public involvement can keep the BOS focused on the need to increase funding for bridges and roads.

Public Works estimates that approximately \$920 million will be required for road maintenance over the next ten years. The BOS allocated \$15.5 million from the General Fund to County road maintenance in fiscal year 2012-2013. If the same amount were allocated annually for the next ten years, \$155 million would be available for road maintenance. This allocation still falls far short of what is needed.

Emergency Management

Emergency Services is responsible for fire services and emergency management and addressing the needs of the County with disaster planning and outreach programs. The Federal Emergency Management Agency (FEMA) and the State have programs to assist local governments prepare for and respond to disasters.

FEMA acknowledges that government response alone is not enough to meet the challenges arising from a catastrophe. FEMA recommends "Whole Community Planning": an approach to emergency management that includes federal, state, county, and city representation, non-governmental

organizations, faith-based and non-profit groups, and the private sector. Individuals, families, neighbors, and communities continue to be the most important assets as first responders during a disaster.

The County Emergency Operations Plan incorporates FEMA's "Whole Community Planning" approach. This plan ensures effective emergency operations management by creating policies, procedures, and assigning responsibilities. It established the EOC and designated it as the command post to coordinate communications among all involved agencies for the duration of an emergency. The County has also created an Emergency Coordinators Forum that includes representatives from County and City departments, schools, American Red Cross, Salvation Army, the State, U.S. Coast Guard, law enforcement, County Volunteer Center, and the community, who participate in discussions and planning meetings.

The EOC staff is trained in preparedness and disaster response through the Standardized Emergency Management System (SEMS). All County employees are trained as on-call emergency responders and are required by law to report to duty when a disaster occurs. Local government entities must use SEMS to be eligible for any reimbursement of response-related costs under the State disaster assistance programs.

The Telephone Emergency Notification System (TENS) is an automated emergency alert system that notifies participants in the event of an emergency. The system is currently being updated and tested to allow residents to register their land lines and cell phones to receive automated emergency alert messages. The EOC will announce the availability of the system to the public when it is ready for use.

The County Human Services Department is responsible for emergency care and shelter and has an agreement designating the American Red Cross as the provider of these services. The American Red Cross has identified 120-150 potential shelter locations throughout the County, and is responsible for the development of facilities, the training of shelter staff, and the operation of shelters in an emergency.

Communities can become safer and better prepared to respond to disasters through public education and training. However, no single County agency is taking responsibility for preparedness training for the public. Volunteer programs could teach preparedness skills and promote whole community support. In a survey conducted by Emergency Services in 2011, participants identified the lack of grassroots support, funding, and liability issues as barriers that make these programs difficult to sustain. Emergency Services could provide education and training if the County would allocate funding.

Emergency Services relies heavily on its website to provide disaster preparation information to the public. The County has printed emergency and disaster preparedness information available at some public events and numerous County facilities. Of the informational materials available at the office of Emergency Services, the "Pocket Guide to Emergency Preparedness" is a particularly convenient and comprehensive resource. Residents must take the initiative to seek out information for themselves.

FINDINGS

- F1. The County Road System is underfunded.
- F2. Some rural roads have deteriorated to a crisis condition, which could delay response time in case of a disaster.

- F3. Short-term and long-term solutions to the road crisis require collaboration among County residents, businesses, and elected officials.
- F4. The County has developed an organized disaster response plan.
- F5. The Telephone Emergency Notification System is vital for public notification.
- F6. Public disaster education and preparedness are essential to minimize risks and increase the chances of weathering a catastrophe.
- F7. The County lacks an outreach program to educate the residents of the need to prepare for the aftermath of a disaster in rural areas.
- F8. Trained volunteers are a critical component in providing service at the time of an emergency.
- F9. There is no single County agency taking responsibility for public disaster preparedness training.
- F10. There is a lack of funds to support training programs to help residents prepare for a disaster.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The Board of Supervisors provide a continuing protected source of revenue to improve and maintain the deteriorating County Road System.
- R2. The Fire and Emergency Services Department monitor the progress of the Telephone Emergency Notification System and devote resources to inform the public of the activation and benefit of the system.
- R3. The Fire and Emergency Services Department work with the Board of Supervisors to create and continually fund a position dedicated to outreach education and disaster preparation of residents.
- R4. The Department of Health Services update the “Pocket Guide to Emergency Preparedness” and continue to maintain it with current information.
- R5. The Fire and Emergency Services Department develop a program to distribute the “Pocket Guide to Emergency Preparedness,” particularly to rural residents.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

- R1, R2, R3, R4, R5 - Sonoma County Board of Supervisors
- R2, R3, R5 - Sonoma County Fire and Emergency Services Department Director
- R4 - Sonoma County Director of Health Services

The governing body indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

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SANTA ROSA CITY STREETS – WHO TURNED THE LIGHTS OUT?

SUMMARY

The housing crisis and financial economic downturn in 2008 caused a significant decline in parcel tax revenues for the City of Santa Rosa (City). The negative impact to the City's operating budget prompted the Santa Rosa City Council (City Council) and City Finance Office to evaluate ways to address the funding shortfalls. The Santa Rosa Public Works Department (Public Works) was directed to create a list of proposed expense cuts to reduce its total operating budget by 25%. One of the proposed cuts presented to and approved by the City Council was the Street Light Reduction Program (SLRP). In May 2009 the City Council approved, and has completed, the implementation of a four-year phased-in program to turn off or reduce the amount of time 10,000 of the City's 16,000 streetlights were illuminated. This decision was projected to reduce the City's annual street lighting bill of \$800,000 by half.



Prior to implementation of the SLRP, Public Works developed criteria for acceptable light levels for all City neighborhoods and at all intersections, crosswalks, and high-use pedestrian zones. These criteria were used to determine which specific streetlights would be turned off and which would remain illuminated. Public Works developed and implemented a system for responding to every inquiry or complaint about lights turned off, in anticipation of citizen concerns about personal safety and possible increases in crime rates.

Crime rates and accident patterns were monitored by both Public Works and the Santa Rosa Police Department. However, as the program progressed, no changes in accident or crime rates were observed in any areas of the City affected by the SLRP. Under existing case law, the City bears no liability if it does not have street lighting or has street lighting but does not maintain it.

As improvements in street lighting technology were introduced, Public Works continued to monitor these changes and has upgraded to new street lighting as the cost-to-benefit ratios have become more favorable.

BACKGROUND

Because street lighting is a citywide service and recent changes were significant, the Grand Jury initiated an investigation of the SLRP to focus on six questions: 1) Was the program effectively implemented? 2) How were citizen complaints addressed? 3) Were the projected cost savings achieved? 4) Were City residents afforded an opportunity to “adopt” streetlights? 5) Did crime rates or auto/pedestrian accidents change in the areas affected by the SLRP? 6) What impact has new lighting technology had on the program?

APPROACH

The Grand Jury interviewed personnel at Public Works, Santa Rosa Finance Department, Santa Rosa Risk Manager's office, Santa Rosa City Attorney's office, Santa Rosa Police Department, Rohnert Park Public Works Department, the Santa Rosa Bicycle Coalition, and a Santa Rosa citizen. The Grand Jury also reviewed newspaper articles, City Council meeting minutes, and documents provided by interviewees and independent sources.

DISCUSSION

Public Works used the residential area of McDonald Avenue in the City as a model for determining the appropriate distance between streetlights that were to remain illuminated under the SLRP. In this area, streetlights are spaced approximately 300 feet apart. This was used as a standard for determining which streetlights would be left on, as there seemed to be adequate light to maintain pedestrian and traffic safety. It was also determined that for safety reasons lights would remain on at signalized intersections, at mid-block crosswalks, within high-use pedestrian zones, at un-signalized intersections if a traffic signal previously existed, and at selected locations where there had been a documented history of traffic safety issues.

Information about the SLRP was communicated to citizens through press releases, a Public Works' website announcement, and placards affixed to affected lampposts. As the program was implemented, citizens were directed to call a Public Works contact number or send an email to register concerns about streetlights that had been turned off. When a request or complaint is received, Public Works' front desk staff checks to determine if the SLRP had designated for the light to be on or off. If the light was designated to be on, a "trouble ticket" is sent to the Maintenance Department for action. If the SLRP had designated that the light was to be turned off, the complaint is forwarded to the Public Works Director or the Deputy Director of Field Services who conducts a field inspection at night to evaluate the request or complaint. The inspection takes into consideration environmental factors such as distance between active lights, foot and auto traffic, potential obstructions such as trees, time of sunrise and sunset, moon cycles, and daylight savings time. A decision is made to re-light the streetlight or to keep it off, and the requestor is informed of the decision.

The City has approximately 16,000 streetlights. After full implementation of the SLRP about 40% of the streetlights remain fully on, 20% are on timers, and 40% are turned off. Public Works estimated an annual energy cost savings of \$400,000 would be phased in by the end of year 2012. The City Finance Department forecasted that 80% of the target cuts would be achieved totaling \$320,000 per year at the end of implementation of the SLRP. There is currently an annual budget savings of approximately \$321,000.

An "Adopt a Streetlight Program" was tested by Public Works. Under the terms of this program, a citizen could request that individual streetlights be turned back on at a cost to the participant of \$150 annually per streetlight. The program was terminated due to very low resident participation and challenges in administering the program.

The Santa Rosa Police Department and Public Works observed no changes in City crime rates or accidents as a direct result of the implementation of the SLRP.

Public Works is reviewing new lighting technology and monitors the continuing reduction of costs to purchase and operate various lamps to determine the appropriate timing of future streetlight upgrades. In 2010, the City received an American Recovery and Reinvestment Act grant of approximately \$250,000 for streetlight upgrades to reduce greenhouse gasses. Part of this grant money was used to buy programmable photocells. These photocells permitted streetlights that were energized for 11 hours to be re-programmed to run for 5½ hours. Another part of this money was used to replace 700 high-pressure sodium lamps with induction lighting. Of the City's streetlights, 95% are high-pressure sodium lamps which have a five-year life expectancy.

Induction streetlights cost \$290 per light with a life expectancy of 20 years. LED streetlights cost \$320 per light, with a 15-year life expectancy. While LED units are currently the most expensive form of streetlight units to purchase, they draw the least amount of power and produce the smallest amount of greenhouse gasses compared to other existing streetlight types. For example, a 100 watt high-pressure sodium light can be replaced with a 40 watt LED to provide the same light. Public Works continues to review these new lighting technologies as costs drop. The goal is to determine how and when to integrate modern technology into the streetlight system.

FINDINGS

- F1. Under challenging financial conditions, Public Works carefully developed, effectively implemented, and thoroughly tracked a significant change to the City's street lighting program.
- F2. Public Works established a transparent, responsive, and efficient process for residents to present requests and complaints concerning streetlights that have been adjusted as part of the SLRP.
- F3. The savings generated by the SLRP are within the budgeted parameters.
- F4. After an appropriate test of an "Adopt a Streetlight Program," Public Works terminated the program because of low resident participation and because there were not enough direct savings to offset the costs and challenges of administering it.
- F5. No definitive data suggest auto/pedestrian accidents and/or crime rates increased in the absence of street lighting in those areas affected by the SLRP.
- F6. Public Works has demonstrated that it is proactively monitoring and assessing new streetlight technologies with a goal of increasing energy cost savings and reducing greenhouse gasses and has made effective use of available grants to test and install newer technology lamps.

RECOMMENDATIONS

The Grand Jury recommends that the Santa Rosa Public Works Department:

- R1. Continue to monitor improvements in street lighting technology.
- R2. Periodically brief the Santa Rosa City Council and interested citizens on its plans for implementing new programs that will continue to control lighting costs, reduce greenhouse gasses, and provide safe and consistent light levels on City streets.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

- R1, R2 - City of Santa Rosa Director of Public Works

DISCLAIMER

This report is issued by the Grand Jury with the exception of one member of the jury who recused him/herself. This juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and acceptance of the report.

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AGING GRACEFULLY

SUMMARY

Sonoma County has a population of more than 483,000 residents of which 21% or over 100,000 are 60 years of age or older. This number is estimated to increase to 24% of the population by 2020.

The Grand Jury researched existing low-cost and no-cost County services available to seniors to help them live well as they age. Assistance is not limited to the disabled, homeless, those with low income, or veterans. Many services exist for seniors regardless of their income levels. Services can include those that help an individual remain active, mentally stimulated, and productive.

The Grand Jury discovered that written information on services for seniors is plentiful and readily available at numerous locations including the Internet. This allows seniors, family members, and friends to research services. Translations of some frequently viewed topics are available in more than 50 languages through the Sonoma County Network of Care website. Publications are well organized and easy to read, and information is grouped by categories. The Senior Resource Guide which is published by the Sonoma County Area Agency on Aging (Agency on Aging) is available in English and Spanish. Information is available by calling the Agency on Aging and TTY access is available for the hearing impaired.

We all age; there is no escaping it, so why not do it gracefully?

BACKGROUND

The Grand Jury's historical records indicated that it had been 15 years since the Agency on Aging, a division of the Sonoma County Human Services Department, had been reviewed.

APPROACH

The Grand Jury interviewed staff from the Agency on Aging. Senior centers, care facilities, hospitals, and various other locations throughout the County were visited to ascertain the availability of Agency on Aging printed materials.

DISCUSSION

The Agency on Aging is a division of the Sonoma County Human Services Department. Its focus is promoting independence, dignity, and quality of life for seniors. Many residents may not be aware of these services or know whether they qualify.

The Agency on Aging, with input from its 21-member Advisory Council and community members, coordinates, plans, and allocates Federal, State, and County funds for services for persons 60 and older. The growth of the senior population will have major implications for both individual and community life. It will challenge families and community organizations to provide the support seniors need to stay engaged, independent, healthy, and safe.

Examples of services and benefits offered to seniors 60 years or older include:

Health Insurance Counseling and Advocacy Program (HICAP)

This program is staffed by trained volunteers who assist seniors through the complex and often confusing maze of Medicare. Volunteers explain how the Medicare program works with other insurance programs such as Medicare supplemental policies, HMOs, and long-term care insurance.

In-Home Supportive Services (IHSS)

For seniors requiring full or part-time personal or domestic care, IHSS social workers take an application over the phone to assess the need. The application is followed up with a home visit. Services can include assistance with bathing, dressing, cooking, and cleaning. The Public Authority section of the IHSS serves as the employer of record for negotiating wages and benefits. The Public Authority maintains a registry of screened caregivers for referral to IHSS consumers. Participation in the program requires that the senior in need must be low-income and must meet at least one of the following criteria: minimum age 65, blind, or permanently disabled as certified by a medical provider.

Adult Protective Services (APS)

Any person can report suspected elder and dependent adult abuse through the APS 24/7 hotline. The report is anonymous and remains confidential. The APS investigates physical, sexual, psychological, and financial abuse, abandonment, abduction, isolation, and neglect. Crisis intervention and voluntary short-term case management can be provided. The APS works closely with law enforcement and other community agencies to help resolve the abuse or neglect and provides the client with information on local resources.

Fall Prevention Classes

To help prevent and educate seniors on falls, the Agency on Aging has implemented an eight-week course called "A Matter of Balance: Managing Concerns about Falls." The program teaches strategies to lessen the fear of falling and to reduce the risk of falling. Topics include problem solving and safety-promoting lifestyle strategies and exercises to improve strength, coordination, and balance. A home safety evaluation can also be performed. The ongoing courses are held in various locations in the County. Class size is limited. A \$20 donation is suggested, but no one is turned away for lack of funds.

Gay/Lesbian/Bisexual/Transgender Population (GLBT)

According to the U.S. Gay/Lesbian Index, Sonoma County ranks ninth in the nation in concentration of gay/lesbian couples. Some GLBT seniors do not seek help or public assistance and may not have traditional family support. They can be isolated from the GLBT community and may avoid accessing the available services due to fear of discrimination, real or perceived. The Agency on Aging advocates for comprehensive health and social services for the GLBT community and continually promotes education of service providers around issues facing the GLBT population.

Volunteer Opportunities

Many seniors volunteer in their neighborhoods, workplaces, and places of worship on an informal basis. Through the Volunteer Center of Sonoma County, seniors can also volunteer their time and expertise in a multitude of other ways, including providing transportation, participation at food banks, community gardens, school breakfast programs, and literacy and tutoring programs. In 2011, the Volunteer Center's Retired Senior Volunteer Program had 825 active volunteers and reported an increase in the number of people seeking volunteer work.

COMMENDATION

During the Grand Jury's investigation, we found the staff at Agency on Aging to be knowledgeable, enthusiastic in their support of seniors, accommodating, and responsive to our inquiries and requests for documents.

FINDINGS

- F1. There is a variety of services and support resources available for seniors by phone, in person, in printed materials, and on the Internet.
- F2. There are a number of County-run, non-profit, and private senior centers throughout the County.

RECOMMENDATIONS

None.

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GRATON COMMUNITY SERVICES DISTRICT: AT A CROSSROADS IN GRATON...WILL THE BOARD MAKE A POSITIVE CHANGE?

SUMMARY

The town of Graton in Sonoma County's West County receives wastewater treatment services from the Graton Community Services District (GCSD), an independent district created by Graton voters in December 2003. The GCSD is overseen by a five-member Board of Directors (Board). The Grand Jury received a complaint from a number of Graton ratepayers expressing several concerns regarding the operations of the GCSD. In investigating the complaint, the Grand Jury discovered multiple deficiencies in Board operations, including problems with Board governance, communication between the Board and ratepayers, and Board financial and management controls.

As volunteers serving four-year terms, Board members believe they are generously giving their time to a vital, complex civic responsibility and that their efforts are underappreciated by the ratepayers. The Grand Jury found that Board members, while hard working and well intentioned, are not well trained in what their specific responsibilities are and how to fulfill them. No formal governance or leadership training is required of Board members, and they do not operate according to responsibilities and procedures as set forth in the GCSD Policy Handbook (Handbook). Standing committees mandated by the Handbook were not in place at the time of our investigation. The Board does not have a succession plan for itself or for the GCSD General Manager. The Grand Jury also found that the Board has done an inadequate job of communicating with ratepayers regarding the ongoing operations of the GCSD.

The Board does not have a functioning finance committee and has chosen to receive only summary financial information. Annual charges to the ratepayers have climbed from \$825 to \$1574, over 90%, since formation of the GCSD in 2003, making GCSD fees some of the highest in the County. Without regularly reviewing detailed financial information, the Board cannot investigate the possibility that these rate increases may be due, at least in part, to significant billings from outside contractors. A more detailed financial analysis is needed for the Board to fully evaluate decisions such as the cost savings that might be achieved by sharing resources with other West County systems.

The Board has the ultimate responsibility for the management of the GCSD but is failing in several respects to carry out that responsibility. For example, it allows the GCSD General Manager to operate outside the limits of his prescribed responsibilities as set forth in the Handbook. The Board does not conduct performance evaluations of the General Manager, of outside contractors, or of itself. The Board is ultimately responsible for compliance with wastewater quality regulations but has not elected to receive copies of communications from the regulatory agency to the General Manager. Despite a history of enforcement actions against the GCSD, the Board is not actively monitoring compliance.

There are many areas where Board governance and management have broken down. Clear accountability, effective communication, and transparent financial and management controls are imperative. Ratepayers can play a part in the solution by seeking election to the Board and by volunteering to work on specific Board projects. However, the Board is ultimately responsible to take action for the benefit of the GCSD and its ratepayers.

BACKGROUND

The Grand Jury received a complaint from a number of concerned Graton ratepayers requesting the Grand Jury revisit some issues investigated by a prior Grand Jury and address several new concerns regarding the GCSD. After many interviews and extensive research, we decided to focus our report on three main areas: GCSD Board governance, communication between the Board and ratepayers, and Board financial and management controls.

APPROACH

The Grand Jury interviewed all complainants, all GCSD Board members and a staff member, and representatives from Sonoma County Local Agency Formation Commission (LAFCO), Sonoma County Water Agency (SCWA), and North Coast Regional Water Quality Control Board (RWQCB). We attended GCSD Board meetings and reviewed meeting agendas and minutes, as well as correspondence between the Board and ratepayers. We also researched pertinent websites and reviewed documents and information provided by interviewees.

DISCUSSION

Board Governance

The Board's responsibilities and procedures are defined in the GCSD Handbook. However, Board members expressed a lack of clarity concerning their duties and most indicated they had not even read the Handbook. Consequently, certain Board members are voluntarily taking on too many duties, some of which may be the responsibility of other Board officers.

Current Board practices often conflict with the Handbook. For example, the Handbook mandates that certain standing or ad hoc committees be formed to help the Board conduct its work. There were no committees in place at the time of this investigation. Board members appear to work on most issues together as generalist. Few Board members specialize in or monitor areas vital to the success of the GCSD.

Board members stated that they have received infrequent or no training for their positions on the Board. Some have been briefed on subjects such as board ethics and the Brown Act, or have read materials or taken a class on the subject of wastewater treatment. However, there is no formal governance or leadership training required of all Board members.

The Board does not have a succession plan for itself or for the GCSD General Manager. A succession plan is essential to the long-term health of any public district, but particularly for a small district where the loss of a key Board member or the General Manager will have a significant impact on the continuity of current projects and operations.

All Board members have been appointed and the process by which they were selected has not been made clear to the ratepayers. None of the appointees has run for office in a contested election. It is important, therefore, that the Board have a program, as part of its succession plan, to educate its ratepayers about the roles, duties, and importance of Board membership and strongly encourage ratepayers to run for future elected Board positions.

Two of the five Board positions will become open for election this year. To create positive change within the GCSD, ratepayers should not only volunteer for ad hoc committees when announced by the Board but also seek election to the Board this fall.

Communication

There have been many complaints from ratepayers regarding poor communication by the Board. Board members have expressed concern that certain ratepayers attend meetings to voice complaints that have been previously addressed, but do not volunteer their efforts to help solve problems. The Board feels repeated complaints serve no purpose other than to increase tension between the Board and the ratepayers and impede progress on GCSD priorities for the community.

During the public comment portion of monthly Board meetings, ratepayers regularly challenge the competency of the Board in communicating the status and the costs of current capital projects and in providing clear and timely responses to questions. Tensions between some ratepayers and the Board reached an extreme level at a public meeting in August 2012 when ratepayers in attendance asked the entire Board to step down. They refused.

The Handbook requires that the Board President establish a public relations committee. The focus of this committee would be to ensure information regarding the affairs of the GCSD is adequately and appropriately communicated to the ratepayers and the public. At the time of this investigation, that committee had not been formed. An active public relations committee could enhance interaction and communication between the Board and ratepayers.

The GCSD has a shared website at Graton.org. The website contains Board meeting agendas but no agenda-related information packets or meeting minutes. Board members agree that agenda packets and meeting minutes should be included on the website, and some incorrectly believe they are posted. It may be beneficial to post frequently asked questions and answers to reduce time spent on these issues at Board meetings. The GCSD prepares a newsletter in English and Spanish to be published quarterly, mailed to each ratepayer, and posted on the website. The newsletter is published on an irregular basis.

Financial and Management Controls

The GCSD is funded for ongoing operations through parcel tax assessments. The GCSD is constructing a new treatment plant, a capital improvement funded primarily by loans and forgivable grants from the Federal and State governments. Funds for ongoing operations and capital improvements are accounted for separately. The GCSD receives detailed financial reports from all funding agencies at least monthly. However, the Board, at its request, only receives financial statements that are summarized without line item detail.

The costs of GCSD operations are paid by a small ratepayer base, making it difficult to operate an economically efficient wastewater treatment system. Tax assessments levied on the ratepayers since inception of the GCSD in 2003 have increased from \$825 to \$1574, over 90%, to date, making GCSD fees some of the highest in the County. The Board has represented to ratepayers that these rate increases are the result of rising costs of materials and operations. However, documents reviewed have raised questions concerning the significant billings received from various contractors. Ratepayers contend the Board has not sufficiently addressed their concerns over billings. This is an issue that could be addressed

and investigated by a Board finance committee. At the time of this investigation that committee had not been formed.

Prior to the formation of the GCSD, SCWA utilized one senior manager to oversee not only the Graton facility but several other West County systems. The new Graton facility, once operational, may not need a dedicated General Manager. Cost savings could be realized by sharing plant operators, management, and resources with other facilities.

The Board has the ultimate responsibility for the management and control of the GCSD. However, the Board is failing in several key areas of management oversight and control. The Board signed an ongoing professional services agreement with an independent consultant to serve as its General Manager. The current agreement, drafted by the General Manager, delegates almost total control of the GCSD to the General Manager with only general guidance from the Board. This may account for the Board's apparent lack of oversight. The agreement grants authority to the General Manager that, according to the Handbook, properly belongs to the Board. For example, the purchasing authority granted to the General Manager in the Handbook provides for a limit of \$2,000. However, the professional services agreement grants purchasing authority of \$25,000 to the General Manager.

The agreement further provides that the General Manager, as an independent contractor, retains the freedom to perform services for organizations other than the GCSD and may continue to use the GCSD facilities even after termination. The Board did not have the agreement reviewed by legal counsel prior to signing in March 2012, despite these unusual provisions. The delegation of almost total authority and control as well as granting the ability to utilize the facilities even after termination are unusual provisions and not advisable. As a point of control, the General Manager should work as an employee reporting directly to the Board rather than as an independent contractor.

Board members disclosed that they have not conducted periodic performance evaluations of the General Manager. The Board also has not taken steps to independently review and evaluate its own performance. Good governance practices call for periodic performance appraisals of the Board, all employees, and contractors. A personnel committee could be instrumental with these evaluations. A planning committee could establish GCSD goals, objectives, and staff performance goals on an annual basis. At the time of this investigation neither of these committees had been formed.

Measuring and achieving established discharge standards is critical for small wastewater districts. The GCSD is subject to the regulations and orders of the RWQCB. Since 2004, several extensions have been granted to the GCSD to comply with the advanced wastewater treatment standards adopted by the State. The GCSD has yet to meet these standards. Additionally, the RWQCB has issued numerous enforcement actions against the GCSD including the submission of ten reports ranging from 46-677 days late and 33 violations that exposed the GCSD to significant monetary penalties. The Board and General Manager are accountable for compliance with the RWQCB directives. However, only the General Manager receives correspondence from the RWQCB. Board oversight of wastewater quality compliance could avoid or reduce future enforcement actions and save ratepayers considerable expense.

Accountability and transparency are the cornerstones of cost-effective local government services. LAFCO provides important oversight functions for cities and special districts that include the evaluation of delivery of services by performing a municipal service review (MSR). Although LAFCO is mandated to perform an MSR every five years, the most recent MSR of the West County was performed in 2004.

A current MSR would offer many benefits to the GCSD. It would provide an evaluation of governance options such as consolidation or reorganization of service providers. It would explore opportunities for shared facilities and analyze management efficiencies and infrastructure needs or deficiencies. It would provide local accountability and highlight cost avoidance opportunities.

With the implementation by the Board of the specific recommendations in this report and the election of two new Board members, the Grand Jury expects that the Board will better govern the GCSD and respond to the community it serves.

FINDINGS

- F1. Board members do not have a working knowledge of their roles and responsibilities or Board policies as stated in the GCSD Policy Handbook.
- F2. The absence of standing and ad hoc committees prevents the Board from exercising effective oversight of GCSD business.
- F3. Most Board members have not received sufficient training in subjects essential to successfully governing a wastewater district.
- F4. The Board does not have a clear succession plan for itself or the General Manager position.
- F5. A breakdown of communication between the Board and ratepayers is apparent and has created a hostile environment at public meetings.
- F6. The GCSD website is not being fully utilized as a means of communicating current information.
- F7. The Board's request for monthly financial reports that are summarized and contain no supporting line item detail has led to inadequate financial oversight.
- F8. Operational savings might be achieved by sharing staff and resources with other wastewater districts.
- F9. Legal counsel needs to review and evaluate all professional services agreements entered into by the Board.
- F10. Regular self-assessments of Board performance and formal performance evaluations of senior management need to be implemented.
- F11. The lack of oversight by the Board concerning RWQCB compliance requirements and deadlines needs to be addressed with a goal of eliminating the costs of enforcement actions.
- F12. The mandated MSR by LAFCO is overdue and should be performed for the West County Region as soon as possible.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. Board member roles and responsibilities be reviewed, clarified, and assigned with a goal of dividing work more equitably among members.
- R2. The Board President form the following standing committees as set forth in the GCSD Handbook: Planning, Ordinance, Personnel, Finance, and Public Relations.

- R3. The Board involve the community by developing and appointing ad hoc volunteer committees reporting to the Board that focus on short-duration projects vital to the governance of the GCSD.
- R4. The Board develop and implement a required Board training curriculum emphasizing effective Board governance and leadership.
- R5. The Board develop and implement a clear succession plan for the GCSD's senior management to include creating a general manager employee position reporting to the Board.
- R6. The Board contract for professional facilitation or mediation to alleviate tension and confrontation between Board members and ratepayers.
- R7. The Board establish an ad hoc committee, including ratepayers, to optimize the GCSD website as a communications center for GCSD information.
- R8. The Board require clear, detailed, and comprehensive monthly financial reports from the General Manager and, when appointed, the finance committee.
- R9. The Board direct its legal counsel to review the General Manager's professional services agreement and to address any unusual provisions.
- R10. The Board conduct an annual performance evaluation of itself and senior GCSD management using financial performance goals, ratepayer feedback, enforcement actions from RWQCB, and other relevant measures.
- R11. The Board request RWQCB to provide it with copies of all correspondence sent to the General Manager in order to monitor the status of compliance with the RWQCB directives to avoid penalties and fines.
- R12. LAFCO conduct an MSR for the West County Region as soon as possible.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

- R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11 - Graton Community Services District Board of Directors
- R12 - Sonoma County Local Agency Formation Commission

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

BIBLIOGRAPHY

- GCSD Policy Handbook
- GCSD Website - www.Graton.org
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- LAFCO Water & Sewer District Providers MSR November 2004 - www.sonomalafco.org
- Enforcement Actions Taken by the RWQCB Since January 1, 2007 - www.waterboards.ca.gov
- RWQCB Order No. R1-2012-0016 - www.swrcb.ca.gov

- Assembly Bill 1234 - www.fppc.ca.gov
- Understanding Proposition 218 - www.lao.ca.gov
- Proposition 50 - www.grantsloans.water.ca.gov

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SONOMA COUNTY DETENTION FACILITIES INSPECTION

SUMMARY

Section 919 of the California Penal Code mandates that the Grand Jury conduct an annual inspection of each detention facility within the County. There are three facilities that fall within this mandate: the Main Adult Detention Facility (MADF), the North County Detention Facility (NCDF), and the Juvenile Justice Center (JJC).

State Assembly Bill 109, the 2011 Public Safety Realignment (Realignment), effective October 1, 2011, mandates that “individuals sentenced to non-serious, non-violent or non-sex offenses will serve their sentences in county jails instead of a state prison.” As a result, inmates could serve sentences of up to 15 years in the MADF or NCDF. As of February 2013, there were five County jail inmates serving sentences of between five and ten years and one inmate serving a sentence in excess of ten years. The detention facilities were designed to house inmates for an average of 60 days.

The adult facilities are adequate for the shorter sentences traditionally served there prior to the implementation of Realignment. They are inadequate in terms of recreation and outdoor access, visiting protocols, available programs, and other aspects for inmates with longer sentences coming into the County jail system as a result of Realignment.

In the adult facilities, one guard may oversee 60 or more inmates. The guards are unarmed and maintain control through non-physical means. Guards focus on establishing rapport with the inmates and are vigilant in observing inmate behavior, taking steps to intercede when a situation arises that could lead to an altercation. Since one guard typically oversees a large number of inmates, inmate time outside of cells is limited but meets the State guidelines of at least 35 minutes per day. Areas for outside exercise are small. They are covered or uncovered, and access to direct sunlight is limited.

Meals meet the American Dietary Association guidelines. The menus differ among the three facilities, but in all cases the kitchens make accommodations for special dietary needs and religious beliefs. Medical and dental services are available to the inmates, and medication is dispensed by licensed medical staff.

Education and personal development programs are available in each of the facilities. Detainees who demonstrate positive behavior are eligible to participate. Access to the programs can be denied when behavior does not meet the guidelines.

The Grand Jury found the detention facilities to be safe and operating within state-mandated guidelines. However, adjusting to the demands of Realignment is a challenge, and accommodations must be made for long-term incarcerations.

BACKGROUND

Consistent with State regulations, the Grand Jury conducts an inspection of County detention facilities each year.

APPROACH

The Grand Jury inspected all three County detention facilities: the MADF, the NCDF, and the JJC. We spoke with managers, line staff, medical personnel, contract personnel, and detainees. We reviewed procedures for intake, psychological evaluation, medical and pharmacy coverage, grievances, educational and developmental programs, and free time activities.

DISCUSSION

Main Adult Detention Facility (MADF)

The MADF, with a capacity of 1001, housed 688 inmates on the inspection date. The facility is divided into self-contained blocks of cells with a single guard station (modules). Detainees are categorized as general custody, protective custody, or administrative segregation. Mental health modules house male and female inmates who are going through detoxification or who have ongoing mental health issues. Inmates are assessed during the intake process based on minimum, medium, and maximum security risk levels and previous arrest records. Inmates are advised during the intake process of the general guidelines for behavior, punishment, and the grievance process. Male inmates are housed in multiple modules. Female inmates in the general population are housed in a single module. Cells are utilitarian and house one or two inmates. Inmates clean their own cells. Natural light is limited to small windows in each cell.

Security cameras and intercoms are connected to a central dispatch area to control module entry and exit. The guards are unarmed and maintain control of the inmate population through non-physical means. Guards are vigilant in observing inmate behavior and are ready to intercede in situations that might escalate. Inmate time outside of cells is limited but meets the state mandate. Guards check on inmates in their cells one or two times an hour. Jail clothing, for the most part, is one size fits all. This can be problematic for the female population since pants that are too long can lead to difficulty walking and possible falls.

Inmates who cooperate and work well with others are able to earn points for privileges and are allowed to work in specified areas. Points can be used toward telephone calls and the commissary.

The kitchen provides three meals a day, two hot and one cold. Inmates can buy additional food items from the commissary. The kitchen is manned by contract personnel and inmates who are housed in minimum-security modules and have earned the privilege to work. All inmates eat in their cells. Female inmates work one meal shift and male inmates work the others. Cutlery and cleaning products are kept in locked cabinets.

Time for education, personal development programs, and recreation are available to the general population. No-contact visitation occurs on a regular basis. Recreation areas are small and contained, covered or uncovered, with limited direct sunlight. While this arrangement may be adequate for inmates whose sentences are a few months or less, it is less suitable for inmates serving longer sentences. Inmates have access to a library cart and can request additional reading materials from the local library. There are on-site mental health and nursing staff and a pharmacy that dispenses medication as prescribed. A doctor is on site several times a week and on call 24/7. A dentist is on-site once a week.

Inmates requiring immediate medical care beyond basic treatment needs are transported to a nearby hospital.

Telephone calls are recorded and incoming and outgoing mail is screened and read. Inmate grievances are logged manually rather than in a computer database, making searches and compilation of statistical information cumbersome and difficult.

North County Detention Facility (NCDF)

The NCDF is an all-male facility with a capacity of 575. It housed 525 inmates on the inspection date. The NCDF houses minimum-security inmates. Inmates are evaluated for work detail at booking and cannot have violence charges, escape histories, or disciplinary behavior problems. In addition to kitchen and laundry work, inmates have other work opportunities, including the on-premises gardens, highway cleanup work crews, or the County Fair and the animal shelter. Work opportunities can be canceled and points taken away as a disciplinary action.

Inmates at NCDF are housed in dormitory-style modules with groups of up to 60 inmates to a dormitory. All modules have large windows and were clean. Clothing consists of shirts, sweats, and tennis shoes for pre-trial or pre-sentencing detainees and general population inmates, or jeans, shirts, jackets, and work boots for inmates who work on outside work detail. Inmates have at-will access to specific outside areas for recreation. Visitation occurs on a regular basis. Inmates have the opportunity to participate in a variety of educational and personal development programs.

Inmates eat two cold meals and one hot meal per day in a cafeteria and have access to a commissary. Inmate access to medical care is provided in the same manner as at MADF.

Inmates awaiting pre-trial hearings or who have not yet been sentenced are housed in a separate module. They are allowed outside for recreation in a small fenced, covered area separate from the other inmates. They have a large common area for playing cards or games or watching television.

Telephone calls are recorded and incoming and outgoing mail is screened and read.

Juvenile Justice Center (JJC)

The JJC opened in 2005 and has a capacity of 140. There were 80 residents on the inspection date. The facility's primary function is to provide temporary, safe, and secure detention for juveniles. The facility is divided into pods of single and dual occupancy cells. It is well maintained and allows ample natural light. Resident artwork lines the hallways. All corridors and entrances to the pods are monitored via camera and entry and exit are controlled through a dispatcher. Covered and open air outdoor areas are expansive and provide space for team and individual sports.

Medical staff, a psychologist, and marriage and family therapists are on-site six days a week; a doctor is on-site three times a week and is otherwise on-call. Medication is dispensed by licensed medical staff seven days a week. At the present time, dental services are provided off-site.

Youths are detained at the facility for an average of 30 days. There has been a significant increase in the number of mental health issues. The goal is to have youth return to the community as soon as reasonably possible. Residents attend school in their pods and have the opportunity to participate in life skills and

behavioral programs. On weekends, residents are restricted to their pods. Parental visits are allowed on a regular basis.

Residents are grouped based on security risk and levels of cooperation and receptiveness to improving poor behavior. The resident to guard ratio is low, with ten residents to one guard during the day and twenty residents to one guard at night. Guards are vigilant in observing behavior and are trained to recognize any initiation or escalation of tension and potential violence. Cells are checked every 15 minutes.

Residents can earn points for good behavior. A library cart supplies books to the pods and books can be requested from the local library. The current process requires knowledge of a specific book title or author to place a request. There is no option for requesting a genre of book. Telephone calls and outgoing and incoming mail are not monitored. The JJC provides a number of educational classes and personal development programs.

The residents we interviewed stated that the guard staff was outgoing and supportive. The grievance process is explained at intake and grievance forms are available in each pod. The kitchen serves three meals a day, two hot and one cold, plus two snacks. There is no commissary in the facility. Meals are eaten in the pods and are served cafeteria style. Clothing fits well and size options are available.

FINDINGS

- F1. The implementation of Realignment presents many challenges to adult detention facility operations.
- F2. Clothing for female inmates at the MADF is ill fitting and could lead to falls and injury.
- F3. Inmate time out of cells at the MADF is limited.
- F4. MADF recreation areas are less than ideal for long-term inmates.
- F5. The logging of inmate grievances at the MADF and NCDF is manual and cumbersome.
- F6. The choice of library books at the JJC is limited.
- F7. The JJC process for requesting a book requires knowledge of the book's title or author.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. A plan to address necessary changes to housing, recreation, programs, and visitation for adult detention facilities as a result of Realignment be developed and implemented.
- R2. Clothing size choices be made available for female inmates at the MADF to lessen the likelihood of falls and injury.
- R3. Additional guard coverage be provided to allow inmates at the MADF to have more frequent time out of their cells.

- R4. The logging of inmate grievances be computerized.
- R5. Book donations to the JJC be encouraged.
- R6. The method of requesting books at the JJC be modified to include the ability to request a genre.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

- R1, R2, R3, R4 - Sonoma County Sheriff in charge of MADF and NCDF
- R5, R6 - Sonoma County Chief Probation Officer

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- Summary of MADF and NCDF operations, including budget information, general statistical data, mental health program and statistical data, medical services information, and program information
- MADF Inmate Handbook
- JJC Program List

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CRITICAL INCIDENT REPORT

SUMMARY

The Grand Jury reviews all fatal incidents involving law enforcement in Sonoma County. Our involvement occurs after an investigation by an independent law enforcement agency, followed by a review and subsequent incident report issued by the Sonoma County District Attorney (DA). The Grand Jury reviews the process followed by all involved agencies. This case was an officer-involved shooting resulting in the death of a suspect.

The DA's duty is to determine if legal and appropriate procedures and protocols were followed. The DA found there was no criminal liability in this shooting incident. The Grand Jury provides an independent citizen review of the DA's conclusion regarding the absence of criminal behavior.

BACKGROUND

The Grand Jury is required to review every incident involving the death of a suspect while in custody or a death at the hands of law enforcement. On November 24, 2011, a Sebastopol Police Officer was called to the scene of a domestic disturbance, at which time the officer noticed the suspect was armed with a gun. The officer gave repeated clear warnings to drop the weapon. The suspect refused and prepared to fire at the officer. The officer fired his weapon, hitting the suspect and killing him.

APPROACH

The Grand Jury reviewed the critical incident report received from the DA's office, including all incident background, witness statements, evidence, and forensic data.

DISCUSSION

This incident was investigated by the Santa Rosa Police Department (the independent agency) and reviewed by the DA's office, which produced the incident report. A finding was reached that no evidence of criminal liability was revealed. The Grand Jury's responsibility is to ensure that the appropriate protocols were followed and that the review process was carried out thoroughly and without prejudice.

FINDINGS

F1. The Grand Jury's review of the critical incident report confirmed that required protocols were followed.

RECOMMENDATIONS

None.

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2012-2013 Sonoma County Civil Grand Jury



Back Row:

Bruce Oppenheim • Barbara Crowley • Jim Thomson • Brian White • Rosie Trescott • Mary Jane Perkins • Cheryl Davey

Middle Row:

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Front Row:

Sandy O'Neal	Henry Culp	Jose Guillen	René Chouteau	Ernie Loveless	Joan Elliott	Sally Hopkins
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SONOMA COUNTY CIVIL GRAND JURY

The principal function of the Grand Jury is to exercise oversight of all aspects of county and city government and special districts within Sonoma County to ensure that the best interests of its citizens are being served.

